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Filing date: **02/07/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052314
Party	Defendant Cafe Mystique Inc.
Correspondence Address	JESS M COLLEN COLLEN IP THE HOLYOKE MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE OSSINING, NY 10562 UNITED STATES tgulick@collenip.com, docket@collenip.com, egarvey@collenip.com
Submission	Response to Board Order/Inquiry
Filer's Name	Thomas P. Gulick
Filer's e-mail	tgulick@collenip.com, docket@collenip.com, egarvey@collenip.com
Signature	/Thomas P. Gulick/
Date	02/07/2012
Attachments	K357 Motion on Consent.pdf ( 5 pages )(124780 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

MOTHER PARKER'S TEA & COFFEE,  
INC.,

Petitioner,

v.

CAFÉ MYSTIQUE, INC.,

Registrant.

Cancellation No. 92052314

Mark: CAFÉ MYSTIQUE

Reg. No.: 3,514,570

Reg. Date: October 14, 2008

**MOTION ON CONSENT TO AMEND REGISTRATION**

Pursuant to the Trademark Trial and Appeal Board's Order of January 10, 2012 and 37 C.F.R. § 2.173, Registrant respectfully requests the amendment of U.S. Trademark Registration No. 3,514,570 (the "Registration"). Registrant requests that the Registration be amended by deleting the current Identification of Goods for Class 30 and substituting the following:

"coffees, excluding coffees for in-flight airline beverage services."

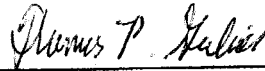
It is respectfully submitted that this amendment does not require republication as the amendment limits the scope of the Registration. In support of this Motion on Consent for Amendment, Registrant submits herewith, as Exhibit 1, a Declaration pursuant to 37. C.F.R. § 2.20.

This amendment is made pursuant to an Agreement between Registrant and Petitioner.

This Motion for Amendment is made with the consent of the Petitioner.

Respectfully submitted,

By:



Jess M. Collen

Thomas P. Gulick

COLLEN IP

The Holyoke-Manhattan Building

80 South Highland Avenue

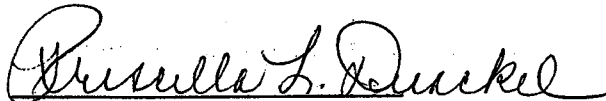
Ossining, New York 10562

914-941-5668

*Attorneys for Registrant*

Consented to:

By:



Priscilla L. Dunkel

Baker Botts L.L.P.

2001 Ross Ave., Suite 600

Dallas, Texas 75201-2980

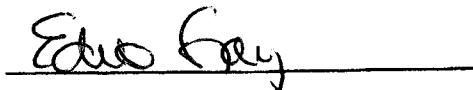
214-953-6818

*Attorneys for Petitioner*

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-  
2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED  
ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK  
OFFICE.

Date: February 7 2012



# **EXHIBIT 1**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registrant : Café Mystique Inc.  
Reg. No. : 3514570  
Registered : October 14, 2008  
Mark : CAFÉ MYSTIQUE COFFEE and DESIGN

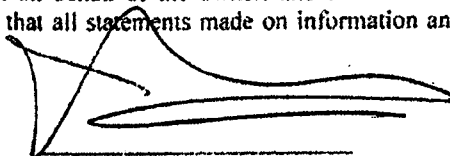
Examiner :  
Law Office :

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**DECLARATION UNDER 37 C.F.R. §2.20**

The owner is using the mark in commerce on or in connection with the goods and/or services in the registration as amended.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statement may jeopardize the validity of this document, declares that s/he is properly authorized to execute this document on behalf of the owner, and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.



Signature of Authorized Person

Sevan Iskambolian  
Type or Print Name

24 January 2012  
Date

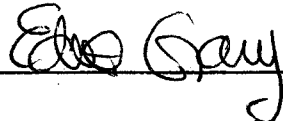
**CERTIFICATE OF SERVICE**

I, Edie Garvey hereby certify that I caused a true and correct copy of the following to be served upon:

Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, Texas 75201-2980  
Attn: Priscilla L. Dunckel, Esq.

Via first-class mail, postage pre-paid.

Said service having taken place this 7 day of February, 2012.

  
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